

FORM PTO-1390      US DEPARTMENT OF COMMERCE PATENT & TRADEMARK OFFICE (REV. 01-2003)		ATTORNEY'S DOCKET NUMBER 124461
<b>TRANSMITTAL LETTER TO THE UNITED STATES          DESIGNATED/ELECTED OFFICE (DO/EO/US)          CONCERNING A FILING UNDER 35 U.S.C. 371</b>		U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/540,979
INTERNATIONAL APPLICATION NO. PCT/FR03/03917	INTERNATIONAL FILING DATE December 26, 2003	PRIORITY DATE CLAIMED December 26, 2002
TITLE OF INVENTION OPHTHALMIC AND OPHTHALMOLOGICAL USE OF A COMPLEX NUTRITIVE BASE IN AN AQUEOUS MEDIUM		
APPLICANTS FOR DO/EO/US Jean-Noel THOREL; Hugues GATTO		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371. 3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input type="checkbox"/> The US has been elected (Article 31). 5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). 6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)) a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). c. <input type="checkbox"/> The International Application was filed in English. 7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).		
<b>Items 11 to 20 below concern document(s) or information included:</b>		
11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 - 1.825. 18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input type="checkbox"/> Other items or information:		

U.S. APPLICATION NO. (if known, see 37 C.F.R. 1.5) 10/540,979		INTERNATIONAL APPLICATION NO. PCT/FR03/03917		ATTORNEY'S DOCKET NUMBER 124461	
21. <input type="checkbox"/> The following fees are submitted:				<b>CALCULATIONS      PTO USE ONLY</b>	
<b>BASIC NATIONAL FEE (37 CFR 1.492(a)):</b> ..... \$ 300.00				\$	
<b>SEARCH FEE (37 CFR 1.492(b)(1)-(3)):</b>				\$	
International preliminary examination report or written opinion prepared by the USPTO as IPEA or ISA and favorable as to novelty, inventive step, and industrial applicability for all claims presented in the application entering the national stage ..... \$ 0.00					
International search fee (37 CFR 1.445(a)(2)) paid to USPTO as ISA ..... \$ 100.00					
International search report provided to USPTO no later than the time at which the search fee is paid ..... \$ 400.00					
All situations not provided for above ..... \$ 500.00					
<b>EXAMINATION FEE (37 CFR 1.492(c)(1)-(2)):</b>				\$	
International preliminary examination report or written opinion prepared by the USPTO as IPEA or ISA and favorable as to novelty, inventive step, and industrial applicability for all claims presented in the application entering the national stage ..... \$ 0.00					
All situations not provided for above ..... \$ 200.00					
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).				\$	
TOTAL PAGES OF APPLICATION OVER 100 ( - 100)	÷ 50	= †	x 250 =	\$	
†round up to next integer					
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
TOTAL CLAIMS	- 20	=	x 50.00 =	\$	
INDEPENDENT CLAIMS	- 3	=	x 200.00 =	\$	
MULTIPLE DEPENDENT CLAIM(S)(if applicable)			+ 360.00 =	\$	
<b>TOTAL OF ABOVE CALCULATIONS =</b>				\$	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. The fees indicated above are reduced by ½.				\$	
<b>SUBTOTAL =</b>				\$	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	
<b>TOTAL NATIONAL FEE =</b>				\$	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property +				\$	
<b>TOTAL FEES ENCLOSED =</b>				\$	
				Amount to be refunded:	\$
				charged:	\$
a. <input type="checkbox"/> Check No. _____ in the amount of \$_____ to cover the above fees is enclosed. b. <input type="checkbox"/> Please charge my Deposit Account No. _____ in the amount of \$_____ to cover the above fees. A duplicate copy of this sheet is enclosed. c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 15-0461. A duplicate copy of this sheet is enclosed. d. <input type="checkbox"/> Fees are to be charged to a credit card. <b>WARNING:</b> Information on this form may become public. <b>Credit card information should not be included on this form.</b> Provide credit card information and authorization on PTO-2038.					
<b>NOTE:</b> Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the application to pending status.					
SEND ALL CORRESPONDENCE TO: OLIFF & BERRIDGE, PLC Customer Number: 25944					
Date <u>November 22, 2005</u>			NAME: William P. Berridge REGISTRATION NUMBER: 30,024		
			NAME: Philip A. Caramanica, Jr. REGISTRATION NUMBER: 51,528		

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Jean-Noel THOREL et al.

Application No.: 10/540,979

Group Art Unit: 2873

Filed: August 8, 2005

Docket No.: 124461

For: OPTHALMIC AND OPTHALMOLOGICAL USE OF A COMPLEX NUTRITIVE  
BASE IN AN AQUEOUS MEDIUM

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

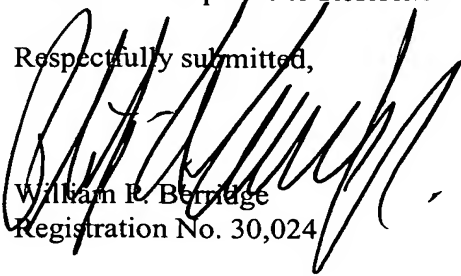
Sir:

Pursuant to 37 CFR §1.56, the attention of the Patent and Trademark Office is hereby directed to the references listed on the attached PTO-1449. Unless otherwise indicated herein, one copy of each reference is attached. It is respectfully requested that the information be expressly considered during the prosecution of this application, and that the references be made of record therein and appear among the "References Cited" on any patent to issue therefrom.

- ☒ 1. This Information Disclosure Statement is being filed (a) within three months of the U.S. filing date of this non-CPA application, OR (b) before the mailing date of a first Office Action on the merits in the present application. No certification or fee is required.
- ☒ 2. Relevance of references 2, 9-13, 19-20, and 22-29 is discussed in the present specification.
- ☒ 3. References 2, 5-6, 8 and 9-21 were cited in the International Search Report. An English language version of the International Search Report is attached for the Examiner's information.
- ☒ 4. In accordance with 37 CFR §1.98(a)(2)(ii), copies of any U.S. patents and patent application publications are not attached.
- ☒ 5. English language Abstracts of the non-English language references 9, 12 and 15 are attached hereto.
- ☒ 6. A computer-generated English language translation of the following Japanese Patent Publication has been obtained from the website of the Japanese Patent Office ([<http://www.jpo.go.jp>]), and is attached, but has not been reviewed for accuracy. See Reference 15.

- ☒ 7. Reference 1 corresponds to Reference 9. Reference 3 corresponds to Reference 13. Reference 4 corresponds to Reference 16. Reference 7 corresponds to Reference 6.

Respectfully submitted,

  
William R. Berridge  
Registration No. 30,024

Philip A. Caramanica, Jr.  
Registration No. 51,528

WPB:PAC/nxy

Date: November 22, 2005

**OLIFF & BERRIDGE, PLC**  
**P.O. Box 19928**  
**Alexandria, Virginia 22320**  
**Telephone: (703) 836-6400**

<p><b>DEPOSIT ACCOUNT USE AUTHORIZATION</b> Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
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Form PTO-1449 (REV. 8-83)		US Dept. of Commerce PATENT & TRADEMARK OFFICE		ATTY DOCKET NO. 124461		APPLICATION NO. 10/540,979	
INFORMATION DISCLOSURE STATEMENT  (Use several sheets if necessary)				APPLICANTS Jean-Noel THOREL et al.			
				FILING DATE August 8, 2005		GROUP 2873	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	
	1.	US 2002/0034499 A1	03/21/2002	Jean-Noel THOREL et al.			
	2.	5,654,266	08/05/1997	Chung-Ho CHEN et al.			
	3.	US 2004/0057980 A1	03/25/2004	Louis Johan WAGENAAR			
	4.	5,770,628	06/23/1998	Amalio CANTORO			
	5.	5,942,218	08/24/1999	Ulrich KIRSCHNER et al.			
	6.	US 2002/0049281 A1	04/25/2002	Xiaobin ZHAO et al.			
	7.	US 2004/0127699 A1	07/01/2004	Xiaobin ZHAO et al.			
	8.	6,194,457 B1	02/27/2001	A Glenn BRASWELL et al.			
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	
	9.	WO 96/21421 A1 w/ abst.	07/18/1996	WIPO			
	10.	WO 02/087326 A1	11/07/2002	WIPO			
	11.	EP 0 517 970 A1	12/16/1992	EUROPEAN PATENT OFFICE			
	12.	JP-A-02-083318 w/ abst.	03/23/1990	JAPAN			
	13.	WO 02/060495 A1	08/08/2002	WIPO			
	14.	FR 2 425 858 A1	12/14/1979	FRANCE			
	15.	JP-A-2002-020279 w/ abst. & trans.	01/23/2002	JAPAN			
	16.	EP 0 698 388 A1	02/28/1996	EUROPEAN PATENT OFFICE			
	17.	EP 0 468 122 A1	01/29/1992	EUROPEAN PATENT OFFICE			
	18.	WO 94/15649 A1	07/21/1994	WIPO			
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)							
	19.	Michael B. BERMAN; "Collagenase Inhibitors: Rationale for Their Use in Treating Corneal Ulceration"; <i>International Ophthalmology Clinics</i> ; Vol. 15, No. 4; pp. 49-66; January 1975; XP008011256.					
EXAMINER					DATE CONSIDERED		
Examiner: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

Date: November 22, 2005

Form PTO-1449 (REV. 8-83)		US Dept. of Commerce PATENT & TRADEMARK OFFICE		ATTY DOCKET NO. 124461		APPLICATION NO. 10/540,979	
INFORMATION DISCLOSURE STATEMENT  (Use several sheets if necessary)				APPLICANTS Jean-Noel THOREL et al.			
				FILING DATE June 27, 2005		GROUP 2873	
U.S. PATENT DOCUMENTS							
EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUB CLASS	
FOREIGN PATENT DOCUMENTS							
		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUB CLASS	
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)							
	20.	Georges BELLON et al.; "Effects of preformed proline and proline amino acid precursors (including glutamine) on collagen synthesis in human fibroblast cultures"; <i>Biochimica et Biophysica Acta</i> ; Vol. 930; pp. 39-47; 1987; XP002290392.					
	21.	Shambhu D. VARMA; "Scientific basis for medical therapy of cataracts by antioxidants <sup>1,2</sup> "; <i>American Journal of Clinical Nutrition</i> ; Vol. 53, No. 1; pp. 335S-345S; 1991; XP009003151.					
	22.	Steven T. BOYCE, B.A., et al.; "Calcium-Regulated Differentiation of Normal Human Epidermal Keratinocytes in Chemically Defined Clonal Culture and Serum-Free Serial Culture"; <i>The Journal of Investigative Dermatology</i> ; Vol. 81, No. 1 Supplement; pp. 335-409; July 1983.					
	23.	Steven T. BOYCE et al.; "Cultivation, Frozen Storage, and Clonal Growth of Normal Human Epidermal Keratinocytes in Serum-Free Media"; <i>Journal of Tissue Culture Methods</i> ; Vol. 9, No. 2; pp. 83-93; 1985.					
	24.	MCDB 153; Product Information.					
	25.	D-MEM; Dulbecco's Modified Epidermal Medium; Components.					
	26.	J. C. HAFFNER et al.; "Inhibition of collagenase breakdown of equine corneas by tetanus antitoxin, equine serum and acetylcysteine"; <i>Vet. Ophthalmol.</i> ; Vol. 6, No. 1; pp. 67-72; March 2003.					
	27.	KEFALIDES N.A.; "Biosynthesis of Basement Membrane Collagen by Rabbit Corneal Endothelium in Vitro"; <i>Journal of Biological Chemistry</i> ; Vol. 251, No. 3; pp. 730-733; February 10 1976.					
	28.	Roger W. BEUERMAN et al.; "Ultrastructure of the Human Cornea"; <i>Microscopy Research and Technique</i> , Vol. 33; pp. 320-335; 1996.					
	29.	Oliver DOUCET et al.; "A New <i>In Vitro</i> Human Epithelial Model for Assessing the Eye Irritating Potential of Formulated Cosmetic Products"; <i>In vitro and Molecular Toxicology</i> ; Vol. 11, No. 4; pp. 273-283; 1988.					
EXAMINER					DATE CONSIDERED		
Examiner: Initial if citation considered, whether or not citation is in conformance with M.P.E.P. 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.							

Date: November 22, 2005